

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

John M. Agnello
Melissa E. Flax
CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700

Stephen M. Charme
Tara S. Sinha
WITMAN STADTMAUER, P.A.
26 Columbia Turnpike
Florham Park, New Jersey 07932-2213
(973) 822-0220

Attorneys for Plaintiffs

DR. FADI CHAABAN, DR. SABINO R.
TORRE, DR. CONSTANTINOS A.
COSTEAS, AND DR. ANTHONY J.
CASELLA as Trustees of Diagnostic &
Clinical Cardiology, P.A. Profit Sharing
Plan,

Plaintiffs,

v.

DR. MARIO A. CRISCITO,

Defendant.

Civil Action No. 2:08-cv-01567 (GEB/MCA)

**DECLARATION OF
STEPHEN M. CHARME IN SUPPORT
OF PLAINTIFFS' MOTION FOR
AN AWARD OF ATTORNEYS'
FEES AND COSTS**

Return Date: June 6, 2011

I, Stephen M. Charme, of full age and upon my oath, declare as follows:

1. I am an attorney at law in the State of New Jersey, and a partner of the law firm of Witman Stadtmauer, P.A., attorneys for plaintiffs, Dr. Fadi Chaaban, Dr. Sabino R. Torre, Dr. Constantinos A. Costeas and Dr. Anthony J. Casella, as Trustees of Diagnostic & Clinical Cardiology, P.A. Profit Sharing Plan ("Plaintiffs").

2. I submit this Declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs.

3. Annexed hereto as Exhibit A is a list of bank accounts maintained by Defendant, along with a "Note" regarding certain investment accounts maintained by Defendant, that were supplied to me by a third party investigator, Statewide Security & Investigations, Inc. ("Statewide") on or about October 28, 2009.

4. Annexed hereto as Exhibits B through D are true and accurate copies of Warranty Deeds for condominium units owned by Defendant in Florida that were supplied to me by Statewide on or about October 28, 2009:

Exhibit B - Warranty Deed
Champlain Towers North Condominium
Unit No. 110
Dade County, Florida

Exhibit C - Warranty Deed
Maison Grande Apartment
6039 Collins Avenue
Unit No. 706
Miami Beach, Dade County, Florida

Exhibit D - Warranty Deed
Champlain Towers North Condominium
Unit No. 210
Miami-Dade County, Florida

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 26th day of April, 2011.

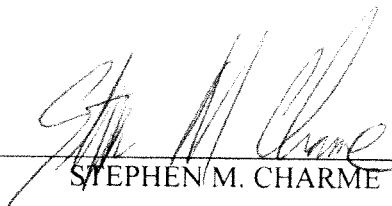

STEPHEN M. CHARNE

EXHIBIT A

***Wachovia Bank**
1012 Springfield Ave.
Mountainside, NJ 07081

Brokerage Account: 7115
\$2,449.83

***PNC Bank**
746 Northfield Ave.
West Orange, NJ 07052

Personal Checking account:
\$5,800.33

***Suntrust Bank**
(Branch not specified)

Personal Checking account:
\$4,454.00 (Joint W/Donna)

Personal Savings account:
\$5,066.76 (Joint W/Donna)

***Sovereign Bank**
30 W. Mount Pleasant Ave.
Livingston, NJ 07039

Personal Checking account: 4504
\$169,349.53 (Joint W/Donna)

Personal Money Market account: 5098
\$139,560.80 (Joint W/Donna)

Personal Money Market account: 7031

\$196,253.90 (Joint W/Donna)

CD account: 1535

\$80,291.71 (Joint W/Donna)

CD account: 2764

\$106,658.79 (Joint W/Marissa Criscito)

CD account: 2772

\$106,658.79 (Mario Only)

IRA account: 2325

\$255,057.66 (Mario Only)

Business Checking account: 7007

\$152,685.01 (Cardiology Center of New Jersey)

Business checking account: 5508

\$19,961.34 (East Cedar Street LLC)

Business Checking account: 1727

\$11,983.04 (Home Cedar Architect)

Business Checking account: 2907

\$1,124.46 (Herbert V. Criscito Scholarship)

Business Checking account: 2915

\$11,154.24 (Criscito Scholarship Fund)

Business Checking account: 1335

\$29,415.44 (Conza Builders)

Business Checking account: 1793

\$263,913.13 (Cardiology Center of New Jersey)

Mortgage Loan: 2616

\$265,000.00- Loan Amount

\$46,900.00- Balance owed

***Chase Bank**
(Branch not specified)

Chase Freedom Credit Card: 6415
\$48,000.00- Credit Limit
\$2,898.01- Balance owed

Regular Credit Card: 1891
\$10,000.00- Credit Limit
\$748.25- Balance owed

***American Express**
(Branch not specified)

Personal Credit Card (Blue Card):
\$20,000.00- Credit Limit
\$659.48- Balance owed

Business Credit Card (Gold Card):
No preset credit limit.
\$4,179.68- Balance owed

***Charles Schwab**
(Branch not specified)

Pension Trust/Profit Sharing Plan for: Mario Criscito Diagnostics
Account # ending: 6104
\$0.00 (Mark & Trustee is Mario Criscito)

Pension Trust/Profit Sharing Plan: Mario Criscito Diagnostics
Account # ending: 6101
\$0.00 (Mark Criscito only)

Note: We have confirmed that there are Stock Accounts with Morgan Stanley/Smith Barney. However, subject has his own financial advisor and we are unable to obtain any account details.

EXHIBIT B

82R 55491

MAR 11 1982

11377-1824

WARRANTY INDEX

THIS INDENTURE, made this 11th day of March, 1982, between CHAMPLAIN TOWERS NORTH ASSOCIATES, a Florida general partnership, as Grantor, of the County of Dade, State of Florida, and MARIO A. CRISCITO as Grantee(s), whose Post Office address is 769 Northfield Avenue, West Orange, New Jersey 07052

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, to it in hand paid by the Grantee(s), the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee(s), his heirs and assigns forever, the following described real property, and rights and interest as set forth below and in real property located and situate in the County of Dade and State of Florida, to wit:

Condominium Unit No. 110, of CHAMPLAIN TOWERS NORTH CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in Official Records Book 11246, at Page 1912, of the Public Records of Dade County, Florida, as amended by Amendment thereto, recorded under Clerk's File No. 82R-50493, of said Public Records, including an undivided interest in the common elements of said Condominium as set forth in the Declaration.

This conveyance is subject to the following:

1. Taxes and assessments for the year 1982 and subsequent years.
2. Conditions, restrictions, limitations, and easements of record, if any; but this provision shall not operate to relieve the same.
3. The Declaration of Condominium and Exhibits attached thereto.
4. Zoning and other governmental regulations.

The benefit and obligations hereunder shall inure to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties hereto. The Grantor does hereby fully warrant the title to all the premises hereby conveyed, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

CHAMPLAIN TOWERS NORTH ASSOCIATES, a Florida general partnership, by its managing partners, RYCO INVESTMENTS, INC., and JADELIST CONSTRUCTION CO., each Florida corporations

WITNESSES:

Colleen Tenn

William J. Tenn

RYCO INVESTMENTS, INC. (Seal)
By: *Henry Joe Reem*
Vice President

JADELIST CONSTRUCTION CO. (Seal)
By: *Henry Joe Reem*
Vice President

This instrument prepared by:

STANLEY JOEL LEVINE, ESQUIRE
420 Lincoln Road, Suite 710
Miami Beach, Florida 33139
(305) 531-0308

1260-00
Notary Public
Notary Seal
Notary Signature
3/11/82

STATE OF FLORIDA)
COUNTY OF DADE) SS:

11377-1825

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared STANLEY JOEL LEVINE, as Vice President, of RYEGON INVESTMENTS, INC., a Florida corporation, who acknowledged before me that he executed the foregoing under authority duly vested in him by said Corporation and on behalf of said Corporation, as one of the managing partners of Champlain Towers North Associates, a Florida general partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal at Miami Beach, Florida, this 11th day of March, 1982.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires March 9, 1985
Standard Notary Seal - Commercial, Inc.

William J. ...
Notary Public, State of Florida

STATE OF FLORIDA)
COUNTY OF DADE) SS:

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared STANLEY JOEL LEVINE, as Vice President, of JADELIST CONSTRUCTION CO., a Florida corporation, who acknowledged before me that he executed the foregoing under authority duly vested in him by said Corporation and on behalf of said Corporation, as one of the managing partners of Champlain Towers North Associates, a Florida general partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal at Miami Beach, Florida, this 11th day of March.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires March 9, 1985
Standard Notary Seal - Commercial, Inc.

William J. ...
Notary Public, State of Florida

ACKNOWLEDGMENT AND ACCEPTANCE BY GRANTEE(S)

Grantee(s) acknowledges that he has read the Declaration of Condominium and all of the Exhibits attached thereto, the Prospectus and all of the Exhibits thereto, understands that each and every provision of the foregoing documents is made for the benefit of all owners of the Condominium and is essential to the successful operation and management of said Condominium property; covenants for himself, his heirs, successors and assigns forever, to abide and be bound by each and every provision of said documents.

WITNESSES:

William J. ...
Carol S. ...

BY: William J. ...
MARIO A. CRISCITO, ARTHUR J. KLEIN,
an Attorney

STATE OF FLORIDA
COUNTY OF DADE:

BEFORE ME, personally appeared ARTHUR J. KLEIN, an Attorney and to me well known and known to me to be the individual(s) described in and who executed the foregoing instrument, and he acknowledged before me that he executed the same freely and voluntarily for the purpose therein expressed.

WITNESS my hand and official seal this 11 day of March, 1982.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires March 9, 1985
Standard Notary Seal - Commercial, Inc.

RECEIVED BY OFFICIAL RECORDS
OF DADE COUNTY, FLORIDA
RECORDS DEPARTMENT
RICHARD P. BRINKER
CLERK (NOTARY PUBLIC)

William J. ...
Notary Public, State of Florida

EXHIBIT C

OFF REC 11845 pg 1163

(Statutory Form - Section 689.027, S.)

1983 JUL 13 AM 10 07

Grantor, and

83R185926

Grantee,

0.45 Documentary Bounce Collection
1 - County
Ann P. Brinker
Lith. Circuit & County Courts
D. [Signature] 7/17/82

MARIO A. CRISCITO
FRANCESCA S. CRISCITO

OFF
REC 11845 1164

STATE OF *Essex*)
) ss.:
COUNTY OF NEW JERSEY)

I HEREBY CERTIFY that on this day I am truly qualified to
take acknowledgements, personally appeared

MARIO A. CRISCITO and FRANCESCA S. CRISCITO

who I am satisfied are the persons named in and who executed
the within Instrument, and thereupon have acknowledged that
they signed, sealed and delivered the same as their act and
deed, for the uses and purposes therein expressed.

WITNESS my hand and official seal this *30th* day of
June, 19*60*.



Rosalyn Rankin
NOTARY PUBLIC
My commission expires:

ROSALYN RANKIN
A Notary Public of New Jersey
My Commission Expires Apr. 28, 1964

FORWARDED TO OFFICIAL RECORDS FILE
OF THIS COUNTY, RECORD.
RECORDS DEPARTMENT

RICHARD F. BRUNKE
CLERK FINANCIAL COURT

EXHIBIT D

Return to (enclose self-addressed stamped envelope)
Name: Manuel Diner, Esq.

Address: 141 N.E. 3rd Avenue, Suite 601
Miami, Florida 33132

This instrument prepared by: Manuel Diner, Esq.
Address: Manuel Diner, P.A.

141 N.E. 3rd Avenue, Suite 601
Miami, FL 33132

Property Appraiser Parcel Identification (Palm) Number(s): 14-3336-00-1000

Guarantee(s) S.S. (s)
Name: Maria A. Cricetto
Guarantee(s) S.S. (s)
Name: Donna Cricetto

00R478422 2000 OCT 03 13:32

DOCSTPOEE 1:030.00 SURTX 0.00
HARVEY RUVIN, CLERK DADE COUNTY, FL

OFF. REC. 1930861424

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Warranty, made this 29 day of September, 2000 Between Salomon Gold and Cila Gold, husband and wife of the County of Miami-Dade, State of Florida, grantor*, and Maria A. Cricetto and Donna Cricetto, husband and wife whose post office address is 8877 Collins Avenue, Apt. 210, Surfside, FL 33143 of the County of Miami-Dade, State of Florida, grantees*.

Witnesseth that said grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration to said grantor in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted and sold to the said grantees, and grantor's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

Condominium Unit No. 210, of CHAMPLAIN TOWERS NORTH CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in Official Records Book 11246, at Page 1932, of the Public Records of Miami-Dade County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed sealed and delivered in our presence:

Manuel Diner
Witness Signature
Manuel Diner
Printed name
Manuela Cricetto
Witness Signature
Donna Cricetto
Printed name

Salomon Gold
Grantor Signature
Salomon Gold
Printed name
8877 Collins Avenue Apt. 210, Surfside, FL 33143
Post Office Address

Manuel Diner
Witness Signature
Manuel Diner
Printed name
Manuela Cricetto
Witness Signature
Donna Cricetto
Printed name

Cila Gold
Grantor Signature
Cila Gold
Printed name
8877 Collins Avenue Apt. 210, Surfside, FL 33143
Post Office Address

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 29 day of September, 2000, by Salomon Gold and Cila Gold, husband and wife, who are personally known to me or who have produced a N/A as identification and did take an oath.

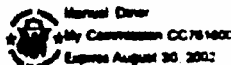
NOTARY PUBLIC:

Manuel Diner

Print Name: Manuel Diner

State of Florida at Large (Seal)

My Commission Expires:



NOT. REC. 1930811425



CHAMPLAIN TOWERS NORTH

CONSENT TO SALE AND TRANSFER OF TITLE

CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC., a Florida Corporation not-for-Profit, pursuant to the Declaration of Condominium of Champlain Towers North Condominium Association, Inc., does hereby approve, and does hereby consent to the sale and transfer of title to:

MARIO CRISCITO

Unit # 210, of CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC. according to the Declaration of Condominium thereof, recorded in the Official Book 11246 at page 1932 of the Public Records of Dade County, Florida this SEPTEMBER 26, 2000.

IT WITNESS WHEREOF, the said CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC. has caused this instrument to be executed in its name and its corporate seal to be affixed hereto by its proper and duly authorized officers.

CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC.
(A Florida Corporation not-for-profit)

Attest: Leon Srebrenik
Leon Srebrenik Vice-President

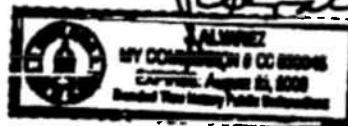
By: Carmen Valls
Carmen Valls-Secretary

STATE OF FLORIDA: SS:
COUNTY OF DADE

The foregoing instrument was presented before me this 26 day of SEPTEMBER, 2000 by Solomon Gold, President and Leon Srebrenik, Vice President of CHAMPLAIN TOWERS NORTH CONDOMINIUM ASSOCIATION, INC., a Florida Corporation not-for-profit, on behalf of the Corporation.



NOTARY PUBLIC
STATE OF FLORIDA
MY COMMISSION EXPIRES: 8/22/2003



8877 Collins Avenue, Surfside, Florida 33154. Telephone (305) 861-7441

OFF. REC. 1930871426



CHAMPLAIN TOWERS NORTH

CHAMPLAIN TOWERS NORTH, ASSOCIATION OF DADE COUNTY, FLORIDA, DOES HEREBY CERTIFY THE SALE OF UNIT # 210, BY SALOMON AND CILA GOLD, AS GRANTOR, TO MARIO CRISCITO AS GRANTEEES, PURSUANT TO CONTRACT AND DATED SEPTEMBER 21, 2000, HAS BEEN APPROVED BY SUCH ASSOCIATION.

DATED THIS SEPTEMBER 25, 2000, CHAMPLAIN TOWERS CONDOMINIUM ASSOCIATION, ATTEST:

LEON SREBRENIK
LEON SREBRENIK
Print name:

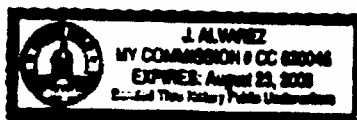
CARMEN VALLS
CARMEN VALLS
Print name:

State of Florida
County of Dade SS

The foregoing instrument was acknowledged before me this 27th September/2000 before me and has produced Drivers licenses as identification.

[Signature]
Notary Public, State of Florida

My commission expires:



J. ALVAREZ
MY COMMISSION # CC 63046
EXPIRES: August 23, 2008
Record This Notary Public Underwriting

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT